

October 25, 2001

Mr. David P. Boergers, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

**Subject: El Dorado Hydroelectric Project, FERC No. 184  
Request for FERC to Delay Processing Application and  
Conditions of El Dorado Project Collaborative**

Dear Mr. Boergers:

On June 26, 2001, El Dorado Irrigation District (licensee) and a number of other parties, including the USDA Forest Service, California Department of Fish and Game, California State Water Resources Control Board, and other parties as indicated by signatures below, agreed to engage in a collaborative process with the goal of reaching a settlement agreement for the relicensing of the El Dorado Hydroelectric Project, FERC No. 184. The parties believe that a collaborative process may be less costly, more timely, and more likely to produce license conditions that are acceptable to all parties.

The parties (including the licensee) hereby request FERC to delay formal action on the application for license, specifically not issuing a Notice of Ready for Environmental Analysis, until March 31, 2003 during the pendency of the collaborative process. Without this delay, the licensee and others may find it necessary to take positions that would adversely affect the progress of the collaborative process. This date is requested based upon the licensee's agreement to complete the studies as listed in Attachment A, in consideration of the other parties' agreement to engage in the collaborative process with the goal of executing a settlement agreement by March 31, 2003. Study data collected in the 2000 field season have recently been obtained by the licensee; however, the parties have not reviewed these data to determine if they are adequate. In addition, the parties have not seen study data collected in the 2001 field season. The March 31, 2003, date is proposed assuming that the study data from 2000 and 2001 are adequate. If this is not the case, the parties may request an alternate date from FERC. Acknowledging that significant data are still being developed, the parties have agreed that they can begin establishing the groundwork for a settlement agreement while awaiting study results and analysis.

The parties have agreed to participate in the collaborative process under the following conditions:

1. All parties agree to make a clear commitment to participate fully in the collaborative process to develop protection, mitigation, and enhancement measures

and other relevant conditions to be used in regulatory approvals needed for license issuance.<sup>1</sup> The parties recognize that the collaborative may not resolve all issues but endeavor to resolve as many as possible. The parties, through this letter, agree to make this commitment.

2. The parties shall develop and agree to process protocols, including a dispute resolution process. The protocols will be developed as soon as possible and shall be consistent with the schedule.
3. The licensee agrees to complete, in consultation with the other parties, the studies identified in Attachment A, on a schedule agreed to by the parties. These studies are necessary to provide adequate information upon which to develop protection, mitigation, and enhancement measures and other relevant conditions. The appropriate technical participants shall review and agree that study information is ready to be filed with FERC prior to the licensee filing the information. The protocols described in condition number 2 shall include a process that will be utilized in the event that there is disagreement on whether study information is ready to be sent to FERC.
4. The licensee shall file with FERC quarterly progress reports that have been reviewed by the parties.
5. The collaborative process shall be open to anyone who makes a commitment to participate and shall be governed by the process protocols as described in condition number 2.
6. A draft schedule for completing studies is included in Attachment C. The parties have established monthly meetings into 2003.
7. FERC staff will provide a facilitator with appropriate facilitation skills and experience to assist the parties in reaching a settlement agreement by March 31, 2003.

Sincerely,

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<sup>1</sup> The USDA Forest Service (FS) and the California State Water Resources Control Board (SWRCB) agree to participate in the collaborative process with the goal of reaching a settlement agreement; however, the agencies maintain their independent statutory authority to condition the license. See Attachment B for the SWRCB Staff Collaborative Process Participation Statement.

El Dorado Irrigation District

by \_\_\_\_\_  
(Print) (Title)

United States Department of Agriculture Forest Service

by \_\_\_\_\_  
(Print) (Title)

California Department of Fish and Game

by \_\_\_\_\_  
(Print) (Title)

California State Water Resources Control Board

by \_\_\_\_\_  
(Print) (Title)

United States Department of the Interior National Park Service

by \_\_\_\_\_  
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